



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/719,231	02/22/2001	Yoshihiko Matsukawa	2000-1663 A	7080

7590 07/01/2005

Wenderoth Lind & Ponack  
Suite 800  
2033 K Street NW  
Washington, DC 20006

EXAMINER

DANG, DU Y M

ART UNIT	PAPER NUMBER
----------	--------------

2621

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary****Application No.**

09/719,231

**Applicant(s)**

MATSUKAWA ET AL.

**Examiner**

Duy M. Dang

**Art Unit**

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 and 8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3 is/are allowed.
- 6) ☒ Claim(s) 8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Applicant's amendment to claims 1-3 and 8 and cancel claims 4-7 and 9-49 filed 4/13/05 has been entered and made of record. Remaining claims are 1-3 and 8.

2. The substitute specification filed 4/13/05 has not been entered because it lacks a statement that the substitute specification includes no new matter as required by 37 CFR 1.125(b). See MPEP 608.01(q).

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 8 is rejected under 35 U.S.C. 102(e) as being anticipated by Nomizu [US Patent No. 6,301,391].

Regarding claim 8, Nomizu teaches:

predictive image generation means for generating image data of the predictive image which is similar to the target image and which includes a feature of the target image based on image feature data indicating the feature of the target image [i.e., “similar image predictive coding portion” shown at 206 in figure 2 and detailed in figure 4]; and

entropy coding means for subjecting the image data of the target image to entropy coding utilizing a correlation in pixel values between the target image and the predictive image, and outputting entropy codes as coded image of the target image [i.e., code information producing portion” shown at 208 in figure 2];

Art Unit: 2621

wherein said image coding apparatus is operable to output the entropy codes and the image feature data corresponding to the target image [see “code information” outputted from coding portion 103 of figure 2 and mentioned in col. 7 lines 60-65].

5. Claims 1-3 are allowed.

6. The following is an examiner’s statement of reasons for allowance:

Regarding claim 1, the closest cited prior art [US Patent No. 6,301,391 to Nomizu] does not teach or suggest: an image composition means for compositing the plural partial predictive images based on the image data of the plural partial predictive images and auxiliary data indicating positions and sizes of the respective partial images in the target image, so as to generate image data of the predictive image, and in combination with other claimed features.

Dependent claims 2-3 are also allowed for the same reasons as above.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

7. Applicant's arguments filed 4/13/05 have been fully considered but they are not persuasive.

Applicant’s amendments overcome the rejection of claims 1-3 and 8 under section 35 USC 112, 2<sup>nd</sup> paragraph.

In reply to applicant’s remarks with regard to the rejection of claim 8 under section 35 USC 102(e) based on the US Patent No. 6,301,391 to Nomizu, it is found not persuasive and the reasons as follows:

It is noted that applicant focuses on image feature extraction and character codes (see 2<sup>nd</sup> paragraph of page 7 to line 7 of page 8) in describing claimed features and concludes that Nomizu fails to disclose features recited in claim 8. These features are not recited in the rejected claim 8. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to Applicant's remarks that in the invention of claim 8, the predictive image is generated by using character data (see 2<sup>nd</sup> full paragraph of page 9), it is noted that these are not recited in the rejected claim. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In this case, Nomizu teaches: predictive image generation means for generating image data of the predictive image [see "similar image predictive coding portion" shown at 206 in figure 2 and detailed in figure 4 (S7)] which is similar to the target image and which includes a feature of the target image based on image feature data indicating the feature of the target image [see "YES" of "S9" shown in figure 4 in together with col. 12 lines 22-35].

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

Art Unit: 2621

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duy M. Dang whose telephone number is 571-272-7389. The examiner can normally be reached on Monday to Friday from 5:30AM to 2:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Mancuso can be reached on 571-272-7695. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306 until July 15, 2005.

Effective July 15, 2005, the Central FAX Number will change to 571-273-8300. This new Central FAX Number is the result of relocating the Central FAX server to the Office's Alexandria, Virginia campus. Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number. To give customers time to adjust to the new Central FAX Number, faxes sent to the old number (703-872-9306) will be routed to the new number until September 15, 2005. After September 15, 2005, the old number will no longer be in service and 571-273-8300 will be the only facsimile number recognized for "centralized delivery".

Art Unit: 2621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*dmd*

dmd  
6/05

*Joseph Mancus*  
JOSEPH MANCUS  
PRIMARY EXAMINER